

REMARKS

The application has been reviewed in light of the Office Action mailed March 9, 2005. At the time of the Office Action, Claims 18-34 were pending in this application. Claims 18-20, 22-29 and 31-34 were rejected. Claims 21 and 30 were objected to as being dependent upon rejected claims.

Rejection under 35 U.S.C. § 112, first paragraph

Claim 34 was rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The disclosure shows indicating information to the user but fails to disclose indicating an “activation of the transmitter.”

Applicant respectfully traverses the rejection and submits that in the specification at page 16, lines 14-16 and drawing Figure 2, “Four outputs respectively numbered (21), (22), (23) and (24) are also provided and may be used by the control unit (16) to indicate what kind of information has been received. Applicant respectfully submits that one skilled in the relevant art would clearly understand how to use, *e.g.*, an output (24), for indicating an activation of the transmitter to a user, without undue experimentation, wherein as a specific example from the specification, the receiver (11) receives the transmission value from the transmitter (10) and the control (16) thereby indicating an activation of the transmitter (10) on the output (24) to a user. In addition, originally filed claims 8 and 9 clearly disclose and claim “indicating an activation of the transmitter to a user.” Claim 8, lines 8-9, and Claim 9, lines 9-10. The originally filed claims 8 and 9 were part of the originally filed disclosure and may be relied upon as a description of what is being presently claimed.

The specification has been amended, based upon the original disclosure made in the specification and originally filed claims 8 and 9, to more clearly describe “indicating an activation of the transmitter to a user.” Applicant respectfully submits that no new matter has been added to the specification as originally filed.

Rejection under Doctrine of Obviousness-Type Double Patenting

Claims 18-20, 22-29 and 31-33 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,108,326 and claims 18-20, 22-29 and 32 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,175,312. Claims 21 and 30 were objected to as being dependent upon claims rejected under the doctrine of obviousness-type double patenting.

A Terminal Disclaimer to Obviate a Double Patenting Rejection Over a “Prior” Patent and Terminal Disclaimer Fee under 37 CFR 1.20(d) are enclosed herewith. Therefore, claims 21 and 30 that were objected to as being dependent upon claims rejected under the doctrine of obviousness-type double patenting should now also be in condition for allowance.

All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant reserves the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and /or divisional applications.

Applicant respectfully submits that no amendments have been made to the pending claims for the purpose of overcoming any prior art rejections that may restrict the literal scope of the claims or equivalents thereof.

Applicant respectfully requests that the amendments above and Terminal Disclaimer and Fee be entered and submits that these amendments and Terminal Disclaimer will put the claims in condition for allowance.

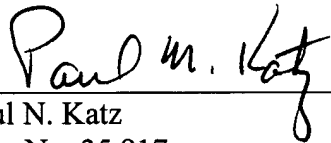
SUMMARY

Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

Applicant also files concurrently herewith an Information Disclosure Statement and PTO Form 1449.

Applicant believes that there are no additional fees due in association with this filing of this Preliminary Amendment. However, should the Commissioner deem that any additional fees are due, Applicant respectfully requests that the Commissioner accept this a Petition Therefor, and directs that any additional fees be charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, Order Number 068354.1409.**

Respectfully submitted,
BAKER BOTTS L.L.P. (023640)

By: 
Paul N. Katz
Reg. No. 35,917
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.1343
Facsimile: 713.229.7743
EMail: Paul.Katz@bakerbotts.com
ATTORNEY FOR APPLICANT

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